



EMG/EMG/MT.0002P

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Richard DeGreef)	Group Art Unit: 3671
)	
Appl. No.	:	10/780,780)	
)	
Filed	:	February 18, 2004)	
)	
For	:	SEWER GRATE LOCKING MECHANISM AND METHOD OF INSTALLING SAME)	
)	
Examiner	:	Raymond W. Addie)	
)	

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on

March 6, 2006

(Date)

R. Scott Weide, Reg. No. 37,755

03/10/2006 HDEMESS1 00000005 10780780

01 FC:1464

PETITION TO WITHDRAW FINALITY OF ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to remove the finality of the Office Action mailed November 8, 2005.

The Examiner indicated that the November 8, 2005, Office Action was made final because "Applicant's amendment necessitated the new ground(s) of rejection." Applicant asserts that this statement is factually incorrect and that the Examiner's indication of the November 8, 2005, Office Action as Final is inconsistent with the M.P.E.P.

As noted in Applicant's Response to the first Office Action mailed August 29, 2005, "Applicant has amended various of the claims to address antecedent basis issues to ensure the claims satisfy the requirements of 35 U.S.C. §112." Upon inspection, it is clear that Applicant's amendments in response

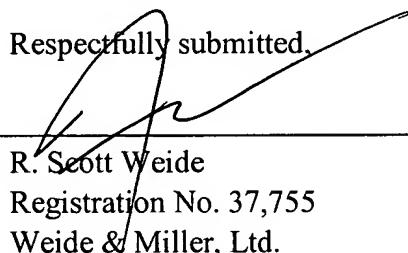
Appl. No. : 10/780,780
Filed : February 18, 2004

to the first Office Action in no way changed the scope of the claimed subject-matter. Quite simply, the originally presented claims defined subject-matter was novel and non-obvious over the originally cited prior art, and it was this fact, and not any amendments, which caused the Examiner to seek additional prior art which might be pertinent to the claimed subject matter.

In that it was not Applicant's amendments which necessitated the new search and citation of new art, Applicant has not had a full and fair opportunity to address the Examiner's grounds of rejection (at least without having to pay fees associated with requests for continued examination). As such, Applicant respectfully requests that the Final status of the Office Action mailed November 8, 2006, be withdrawn, and that Applicant's Response to Office Action mailed February 8, 2006, be entered and considered.

Dated: March 6, 2006 By:

Respectfully submitted,


R. Scott Weide
Registration No. 37,755
Weide & Miller, Ltd.
Bank West Building, 5th Floor
7251 West Lake Mead Blvd., Suite 530
Las Vegas, NV 89128
(702) 382-4804 (Pacific time)

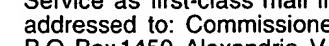


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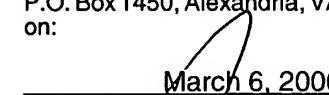
PATENT

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard DeGreef) Group Art Unit: 3671
Appl. No. : 10/780,780)
Filed : February 18, 2004)
For : SEWER GRATE LOCKING)
MECHANISM AND METHOD OF)
INSTALLING SAME)
Examiner : Raymond W. Addie)
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and all marked attachments are being
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addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450,
on: 

March 6, 2006
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R. Scott Weide, Reg. No. 37,755


TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith with respect to the above-identified application are:

- (X) Petition to Withdraw Finality of Action in 2 pages;
- (X) Return Prepaid Postcard; and
- (X) Check in the amount of \$190.00 (\$130 for a Petition Fee and \$60.00 for a 1 month extension of time; small entity status being claimed).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No.: 502200. A duplicate copy of this sheet is enclosed.

03/10/2006 HDEMESS1 00000005 10780780

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Appl. No. : 10/780,780
Filed : February 18, 2004

(X) Applicant hereby requests a 1 month extension of time in accordance with 37 C.F.R. § 1.136 to file this response and has submitted herewith the extension of time fee.

Dated: March 6, 2006

By: _____

Respectfully submitted,

R. Scott Weide
Attorney of Record
Registration No. 37,755
Weide & Miller, Ltd.
7251 West Lake Mead Blvd., Suite 530
Las Vegas, NV 89128
(702) 382-4804 (Pacific time)